

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RICHARD WAYNE PARKER,

Plaintiff,

No. CIV S-10-0065 MCE EFB PS

vs.

UNITED STATES DEPARTMENT OF
JUSTICE; FEDERAL BUREAU OF
INVESTIGATION; DRUG ENFORCEMENT
ADMINISTRATION;

ORDER

Defendants.

This case, in which plaintiff is proceeding *in propria persona*, was referred to the undersigned pursuant to 28 U.S.C. § 636(b)(1) and Eastern District of California Local Rule 302(c)(21). Plaintiff, a federal prisoner, seeks leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. Plaintiff's declaration makes the showing required by 28 U.S.C. § 1915(a)(1) and (2). Accordingly, the request to proceed *in forma pauperis* will be granted. 28 U.S.C. § 1915(a). By separate order, the court directs the agency having custody of plaintiff to collect and forward the appropriate monthly payments for the filing fee as set forth in 28 U.S.C. § 1915(b)(1) and (2).

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1 Pursuant to 28 U.S.C. § 1915(e)(2), the court is directed to dismiss a case filed pursuant
2 to the *in forma pauperis* statute if, at any time, it determines that the allegation of poverty is
3 untrue, or if the action is frivolous or malicious, fails to state a claim on which relief may be
4 granted, or seeks monetary relief against an immune defendant. The court has reviewed
5 plaintiff's complaint and, for the limited purposes of § 1915A screening, finds that it states a
6 cognizable Freedom of Information Act claim against defendants pursuant to 5 U.S.C. § 552.

7 Accordingly, good cause appearing, IT IS HEREBY ORDERED that:

8 1. Plaintiff's request to proceed *in forma pauperis* is granted.

9 2. Plaintiff must pay the statutory filing fee of \$350 for this action. All payments shall
10 be collected and paid in accordance with the notice to the Warden of Herlong Federal
11 Correctional Institution filed concurrently herewith.

12 3. The allegations in the pleading are sufficient at least to state cognizable claims against
13 the defendants. *See* 28 U.S.C. § 1915A. Therefore, the Clerk of the Court is directed to issue
14 forthwith all process pursuant to Federal Rule of Civil Procedure 4.

15 4. The Clerk of Court shall send plaintiff four USM-285 forms, one summons, a copy of
16 the complaint, this court's scheduling order, and the forms providing notice of the magistrate
17 judge's availability to exercise jurisdiction for all purposes.

18 5. Plaintiff is advised that the U.S. Marshal will require:

- 19 a. One completed summons;
20 b. One completed USM-285 form for each defendant;
21 c. A copy of the complaint for each defendant, with an extra copy for the U.S.
22 Marshal; and,
23 d. A copy of this court's scheduling order and related documents for each
24 defendant.

25 6. Plaintiff shall supply the United States Marshal, within 21 days from the date this
26 order is filed, all information needed by the Marshal to effect service of process, and *shall*,

1 *within 14 days thereafter, file a statement with the court that said documents have been*
2 *submitted to the United States Marshal.*

3 7. The U.S. Marshal shall serve process, with copies of this court's scheduling order and
4 related documents, within 90 days of receipt of the required information from plaintiff, without
5 prepayment of costs. *The United States Marshal shall, within 14 days thereafter, file a statement*
6 *with the court that said documents have been served.* If the U.S. Marshal is unable, for any
7 reason, to effect service of process on any defendant, the Marshal shall promptly report that fact,
8 and the reasons for it, to the undersigned.

9 8. The Clerk of Court shall serve a copy of this order on the United States Marshal, 501
10 "I" Street, Sacramento, CA 95814 (tel. 916-930-2030).

11 DATED: May 19, 2010.

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13 EDMUND F. BRENNAN
14 UNITED STATES MAGISTRATE JUDGE
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